

Oracle Corporation et al v. SAP AG et al

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17 Attorneys for Defendants
18 SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

22 ORACLE USA, INC., et al.,

Case No. 07-CV-1658 PJH (EDL)

23 Plaintiffs,

**DECLARATION OF BERND MOTT
IN SUPPORT OF DEFENDANTS'
RESPONSE TO PLAINTIFFS'
ADMINISTRATIVE MOTION TO
FILE DEFENDANTS' DOCUMENTS
UNDER SEAL**

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Date: N/A

Date: N/A

Courtroom: E, 15th Floor

Judge: Hon. Elizabeth D. Laporte

25 | SAP AG, et al.,

Defendants.

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MOTT DECL. ISO DEF'S RESPONSE
TO PLAINTIFFS' ADMIN. MOTION
Case No. 07-CV-1658 PJH (EDL)

1 I, BERND MOTT, declare:

2 I am a Senior Controller, Global Controlling—Strategic Planning and Portfolio
3 Management of SAP AG, one of the Defendants in this case. I make this declaration based on
4 personal knowledge and, if called upon to do so, could testify competently thereto.

5 1. I am familiar with the information contained in Defendants' Response to
6 Plaintiffs' Fourth Set of Interrogatories to TomorrowNow, Inc. and Third Set of Interrogatories to
7 Defendants SAP AG and SAP America, Inc., Interrogatory 69. That interrogatory asks "how
8 each Defendant analyzes, projects, models, or otherwise calculates the value...of a customer to
9 any Defendant...." Defendants' response to this interrogatory describes current business
10 practices that are non-public information, specifically, the manner in which SAP assesses (or does
11 not assess) potential revenue streams from existing customers. Public release of this information
12 could adversely effect SAP's future bargaining position with customers. Because of the
13 competitively sensitive financial data contained in the document, the disclosure of it could likely
14 cause competitive and business injury.

15 I declare under penalty of perjury under the laws of the United States and the State of
16 California that the foregoing is true and correct. Executed this 26th day of October 2009 in
17 Walldorf, Germany.

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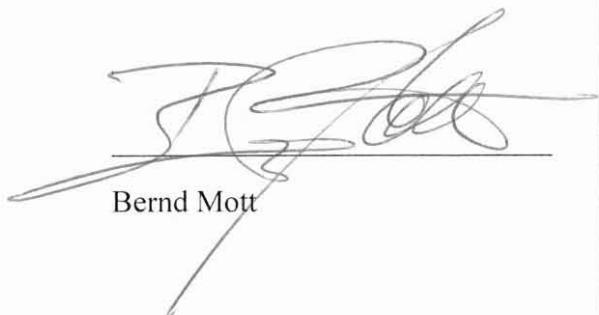
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Bernd Mott